

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

v.

WILLIAM BULLOCK STEWART,

Defendant.

Case No. [18-cv-06828-HSG](#)

**ORDER DENYING EX PARTE  
APPLICATIONS FOR SET ASIDE OR  
RELIEF FROM A FINAL JUDGMENT,  
ORDER OR PROCEEDING**

Re: Dkt. Nos. 15, 17, 19


On December 3, 2018, this Court issued an order adopting Magistrate Judge Hixon's report and recommendation and remanded this action to the state court from which it was removed. Dkt. No. 11. On December 12, 2018, the removing party filed two ex parte applications, which together argue that this Court should set aside the remand order for failure to consider whether removal was appropriate under 28 U.S.C. § 1443. *See* Dkt. Nos. 17, 19. The removing party also submitted an application to shorten time for consideration of the set-aside applications. *See* Dkt. No. 15. Having carefully reconsidered the report and recommendation in light of the removing party's motions, the Court finds that remand was warranted because there is no removal jurisdiction under section 1443. Section 1443 is an extremely narrow basis for removal. *See Anderson v. California*, No. C 11-06292 CW (PR), 2012 WL 163023, at \*2 (N.D. Cal. Jan. 12, 2012). And after closely reviewing all papers submitted by the removing party in this case, the Court finds that that the request for removal does not meet the substantive requirements.

Because the Court finds removal was not warranted under section 1443, the Court **DENIES** the removing party's applications for set aside or relief. *See* Dkt. Nos. 17, 19. And because this case involves the removal of a state prosecution where "[t]here is no slightest hint of a proper ground for removal in the petition," no hearing is necessary to resolve the present

1 applications. *See Davis v. Superior Court of State of Cal.*, 464 F.2d 1272, 1273 (9th Cir. 1972)  
2 ("There should be, under the statute, the least possible interference with state prosecutions that is  
3 consistent with sustaining the objectives of the removal statute."). All other pending motions are  
4 **DENIED** as moot.

5 **IT IS SO ORDERED.**

6 Dated: 12/18/2018

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8 HAYWOOD S. GILLIAM, JR.  
9 United States District Judge  
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